

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA**

DOCKET NO. 2003-327-C

IN RE:

Continued Availability of Unbundled)
High Capacity Loops at Certain Locations and)
Unbundled High Capacity Transport on Certain)
Routes Pursuant to the Federal Communication)
Commission's Triennial Review Order)
_____)

**BIRCH TELECOM OF THE SOUTH, INC.'S OBJECTIONS AND RESPONSES
TO BELL SOUTH TELECOMMUNICATIONS, INC.'S
FIRST REQUESTS FOR PRODUCTION**

Birch Telecom of the South, Inc. ("Birch") pursuant to the proposed Procedural Order objects generally to BellSouth Telecommunications, Inc.'s ("BellSouth") First Requests for Production ("BellSouth's Interrogatories") to Birch, served on by mail on December 8, 2003 as described below.

Birch's objections are preliminary in nature. Birch reserves the right to amend, supplement, or revise these objections, and assert additional objections, should Birch discover additional grounds for objecting at any time prior to hearing. Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to them in the BellSouth Interrogatories.

General Objections to BellSouth's Requests for Production

1. Birch objects to BellSouth's Requests for Production of Documents to Birch to the extent that the requests are overly broad, lack specificity, unduly burdensome, irrelevant and not likely to lead to discovery of admissible evidence

pursuant to the approved Initial Procedural Order or the South Carolina Rules of Civil Procedure.

2. Birch objects to BellSouth's Requests for Production of Documents to Birch to the extent that the requests seek discovery of information protected by attorney-client privilege, the work product doctrine, the accountant-client privilege, or any other applicable privilege.

3. Birch objects to BellSouth's Requests for Production of Documents to Birch to the extent that the requests purport to impose discovery obligations on Birch beyond the scope of what is permitted under the approved Initial Procedural Order, and the applicable South Carolina Rules of Civil Procedure.

4. Birch objects to BellSouth's Requests for Production of Documents to Birch to the extent that the requests purport to seek discovery of matters other than those subject to the jurisdiction of the Commission pursuant to the Federal Communications Commission's ("FCC") Triennial Review Order ("TRO") or South Carolina General Statutes.

5. Birch objects to all Requests for Production of Documents which require the disclosure of information which already is in the public domain, BellSouth already has possession of or unrestricted access to, and information that is otherwise on record with the Commission or the FCC.

6. Birch objects to BellSouth's Requests for Production of Documents to Birch to the extent that the requests seek information and discovery of facts known and opinions held by experts acquired and/or developed in anticipation of litigation or for

hearing and outside the scope of discoverable information pursuant to South Carolina Rules of Civil Procedure.

7. Pursuant to the proposed Procedural Order, the TRO and the South Carolina Rules of Civil Procedure, to the extent that BellSouth's Requests for Production of Documents request specific financial, business or proprietary information regarding Birch's economic business model, Birch objects to providing or producing any such information on the grounds that those requests presume that the market entry analysis is contingent upon Birch's economic business model instead of the hypothetical business model contemplated by the TRO.

REQUESTS FOR PRODUCTION

1. Produce any maps and/or diagrams that illustrate the most current information available for the physical location of you high capacity transport and/or loop facilities within the Southeastern states.

RESPONSE: **Birch has no applicable documents.**

2. Produce any documents identified in response to BellSouth's First Set of Interrogatories.

RESPONSE: Birch has no applicable documents.

3. Produce any business case from 2000 to present in your possession, custody, or control that evaluates, discusses, analyses or otherwise refers or relates to your actual or planned deployment of high capacity transport and/or loop facilities within the Southeastern states.

RESPONSE: Birch has no applicable documents.

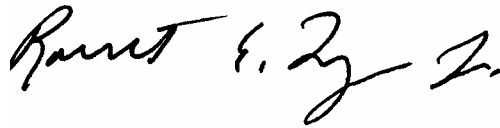
4. Produce any business case from 2000 to present in your possession, custody, or control that evaluates, discusses, analyses or otherwise refers or relates to your obtaining high capacity transport and/or loop facilities from other persons.

RESPONSE: **Birch has no applicable documents.**

5. Produce all documents from 2000 to present referring or relating to how you determine whether or not to deploy high capacity transport and/or loop facilities.

RESPONSE: **Birch has no applicable documents.**

SOWELL GRAY STEPP & LAFFITTE, L.L.C.

A handwritten signature in black ink, appearing to read "Robert E. Tyson, Jr.", written in a cursive style.

By: _____

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Columbia, South Carolina

December 22, 2003

CERTIFICATE OF SERVICE

I, the undersigned of the law offices of Sowell Gray Stepp & Laffitte, L.L.C., attorneys for Birch Telecom of the South, Inc., do hereby certify that I have a copy of the pleading(s) hereinbelow specified via e-mail to the following address(es):

**Pleadings: BIRCH TELECOM OF THE SOUTH, INC.'S OBJECTIONS AND
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December 22, 2003